

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CORNELIUS TUCKER, JR.,)
Plaintiff,) Civil Action No. 05 - 1085
v.) Judge Terrence F. McVerry /
DARRELL HARPER; COMMISSIONER /) Magistrate Judge Lisa Pupo Lenihan
DESIGNEE UNKNOWN FEDERAL)
AGENT FEDERAL RESERVE BANK AND)
SECRETARY; COMMISSIONER /)
DESIGNEE FISCAL AGENTS; MELAKNE)
STIMPSON; KIMBERLY NESBITT;)
CENTER FOR DISEASE CONTROL)
UNKNOWN NAMED DIR. AGENT;)
CHILDREN'S FOSTER HOME; KAREN)
WYNNE; DEBORAH PLATT MARJORAS;)
and PATTY GROSSNICKLE)
Defendants.)

ORDER

The Court entered an order directing Plaintiff to file an amended complaint no later than October 31, 2005. No amended complaint was filed. Plaintiff filed a change of address with the Clerk of Court on November 14, 2005, indicating he was now located in Raleigh, North Carolina. This shows the Court he is still interested in pursuing this litigation, even if he chose not to file the amended complaint as ordered. Because the possibility exists, however, that Plaintiff may not have received the order since he was being moved to a new facility, the Court will sua sponte extend the deadline by which he is to file an amended complaint. Therefore,

IT IS ORDERED this 30 day of November, 2005, that Plaintiff shall file an amended

complaint consistent with this Court's October 12, 2005 order¹ no later than **DECEMBER 21, 2005**.

IT IS FURTHER ORDERED that failure to file an amended complaint consistent with this Court's October 12, 2005 order will result in a show cause order being issued as to why this case should not be dismissed for failure to prosecute.

IT IS FURTHER ORDERED that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Failure to timely file an appeal may constitute a waiver of any appellate rights.

Dated: 11-30-05



Lisa Pupo Lenihan
United States Magistrate Judge

cc: CORNELIUS TUCKER, JR.
0412703
1300 Western Blvd.
Raleigh, NC 27606

¹ The Court's October 12, 2005 order is attached as Exhibit A.